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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,818	04/16/2004	Jeffrey W. Bartone	BRTN100001000	1740
22891	7590	04/08/2005	EXAMINER	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			MACK, RICKY LEVERN	
			ART UNIT	PAPER NUMBER
			2873	
DATE MAILED: 04/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/826,818	BARTONE, JEFFREY W.
	<b>Examiner</b>	<b>Art Unit</b>
	Ricky L. Mack	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12, 14 and 22 is/are rejected.
- 7) Claim(s) 13 and 15-21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 0404.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: Detailed Action.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Wang (6795256 B2).

Wang discloses, as in claim 1, a telephone magnifying system comprising: a telephone (col. 2, lines 32-33) inherently having an information screen; and a magnifying film (22) secured to the telephone, over the screen, by a flexible support (21) and movable toward and away from the screen (figs. 2A, 2B and col. 3, lines 7-27), the film being movable between a contracted support position proximate the screen and an extended support position spaced away from the screen to magnify information thereon when the telephone is in use (figs. 2A, 2B and col. 3, lines 7-27).

3. Claims 1, 3-11, 14 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuyama (JP2002323859A).

Okuyama discloses, as in claims 1, 3, 8-11, 14 and 22, a telephone magnifying system comprising: a telephone (see figs. 1-14) inherently having an information screen; and a magnifying film (3) secured to the telephone, over the screen, by a flexible support (in various embodiments as reference 2) and movable toward and away from the screen (figs. 1-14), the film

being movable between a contracted support position proximate the screen and an extended support position spaced away from the screen to magnify information thereon when the telephone is in use (figs. 1-14). With regarding the limitation of the biasing away limitation, see Okuyama figures 7-9.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama (JP2002323859A) as applied to claims 1 and 3 above, and further in view of Motohashi (WO002091338A1).

Okuyama discloses the claimed invention as described in claims 1 and 3, but does not disclose the magnifying film/lens being a Fresnel lens. Within the same field of endeavor, Motohashi discloses a magnifying lens being a Fresnel lens (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the optical device of Okuyama with a Fresnel lens in a place of the magnifying film for the purpose of providing a lens which is thinner or flatter than a "basic" magnifying lens as is well known in the optical art.

***Allowable Subject Matter***

6. Claim 13 and 15-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an examiner's statement of reasons for allowability: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper.

The prior art fails to teach a combination of all the claimed features as presented in claim(s) 13, wherein the claimed invention comprises a spring comprising a pair of cantilever springs on opposite sides of an information screen, as claimed.

The prior art fails to teach a combination of all the claimed features as presented in claim(s) 15-21, wherein the claimed invention comprises a base and top portion hinged such that the top portion may be folded with the screen toward the base portion in a closed position and opened to expose the base and the screen to the user in an opened position and magnifying lens is secured and movable, as claimed.

The combination of all the claimed features are not anticipated or made obvious by the prior art and all of said features are relied upon for a determination of allowability.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited for disclosing a cell phone or PDA or other

similar device comprising a magnifying lens: Iaquinto et al. (5119239), Yilmaz (DE10233271A1) and Lee (KR2003019534A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky L. Mack whose telephone number is (571) 272-2333. The examiner can normally be reached on Monday-Friday (6:30 AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricky L Mack  
Primary Examiner  
Art Unit 2873

RM  
April 4, 2005